

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

JUDGE HOLDERMAN
MAGISTRATE JUDGE NOLAN

05CR0848

UNITED STATES OF AMERICA

v.

CLARENCE WHALUM, aka "LIL C," aka
"LITTLE CLARENCE,"
RAMON CEBALLOS, aka "TROUBLE,"
MARLON KING,
AFRIKA SMITH, aka "BIG,"
STEPHEN DYER, aka "LIL VO,"
ALVIN KEYS,
ERNEST MCCARTER, aka "ZEKE,"
ANTHONY CURRY, aka "BIG ANT,"
EDDIE BANKS,
PHILLIP FARMER,
DESHAWN SEALS,
RAFAEL HARDY, aka "BLACK,"
JUBRIL OGUNDIPE, aka "MOBY," and
DARRYL FRANKLIN, aka "COOTA"

No. _____
Violations: Title 21, United States
Code, Sections 846, 841(a)(1)
and 843(b); Title 18, United States
Code, Section 2

DOCKETED

OCT 14 2005

FILED

J.N

OCT 12 2005

OCT 12 2005

MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURT

DOCKETED

OCT 17 2005

COUNT ONE

The SPECIAL SEPTEMBER 2005 GRAND JURY charges:

1. Beginning on a date unknown to the Grand Jury but not later than in or about 2002 and continuing until on or about July 19, 2005, in the Northern District of Illinois, Eastern Division, and elsewhere:

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"
RAMON CEBALLOS,
aka "TROUBLE,"
MARLON KING,
AFRIKA SMITH,
aka "BIG,"
STEPHEN DYER,
aka "LIL VO,"
ALVIN KEYS,
ERNEST MCCARTER,
aka "ZEKE,"

ANTHONY CURRY,
aka "BIG ANT,"
EDDIE BANKS,
PHILLIP FARMER,
RAFAEL HARDY,
aka "BLACK,"
JUBRIL OGUNDIPE,
aka "MOBY," and
DARRYL FRANKLIN,
aka "COOTA,"

defendants herein, did conspire with each other, and with others known and unknown to the Grand Jury, knowingly and intentionally to possess with intent to distribute and to distribute controlled substances, namely, in excess of 5 kilograms of mixtures and substances containing cocaine, in excess of 50 grams of mixtures and substances containing cocaine base in the form of crack cocaine, Schedule II Narcotic Drug Controlled Substances, and quantities of marijuana, a Schedule I Controlled Substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. It was part of the conspiracy that CLARENCE WHALUM, a member of the south side Four Corner Hustlers, sold wholesale quantities of cocaine, cocaine base in the form of crack cocaine, and marijuana.

3. It was further part of the conspiracy that WHALUM purchased wholesale quantities of cocaine from various suppliers, including coconspirator RAMON CEBALLOS.

4. It was further part of the conspiracy that CEBALLOS had also at times during the conspiracy supplied Coconspirator A (who was also a member of the Four Corner Hustlers) and at least one other Four Corner Hustler with wholesale quantities of cocaine for redistribution to customers. Coconspirator RAFAEL HARDY had at one time assisted Coconspirator A in his narcotics trafficking business. This assistance included, among other things, delivering drugs for Coconspirator A and delivering money to Coconspirator A. Coconspirator A, who had at one time

supplied WHALUM with wholesale quantities of cocaine, introduced CEBALLOS to WHALUM so that CEBALLOS could begin supplying WHALUM directly with cocaine.

5. It was further part of the conspiracy that a number of Four Corner Hustlers purchased narcotics from WHALUM for redistribution to their own customers on the south side of Chicago and elsewhere. WHALUM regularly distributed wholesale quantities of narcotics to various customers including Four Corner Hustler members AFRIKA SMITH, STEPHEN DYER, ALVIN KEYS, ERNEST MCCARTER, and RAFAEL HARDY, as well as coconspirators ANTHONY CURRY, EDDIE BANKS, and PHILLIP FARMER. These coconspirators in turn distributed the drugs they received from WHALUM to their own customers.

6. It was further part of the conspiracy that WHALUM was assisted in his drug trafficking business by Four Corner Hustler MARLON KING. KING's assistance included bringing narcotics to WHALUM from storage locations for WHALUM's delivery to customers and also delivering narcotics directly to customers at WHALUM's direction.

7. It was further part of the conspiracy that HARDY was assisted in his drug trafficking business by defendant JUBRIL OGUNDIPE. OGUNDIPE's assistance included delivering narcotics to customers. HARDY distributed wholesale quantities of narcotics to customers including coconspirator DARRYL FRANKLIN.

8. It was further part of the conspiracy that coconspirators possessed firearms for purposes of protection during drug dealing activities as well as protection of the storage of narcotics and proceeds of narcotics distribution.

9. It was further part of the conspiracy that on numerous occasions, defendants used cellular telephones or land line telephones, to facilitate their drug transactions.

10. It was further part of the conspiracy that the defendants and other coconspirators would and did conceal and hide, and cause to be concealed and hidden, the purposes of the acts done in furtherance of the conspiracy, and would and did use coded language, surveillance and counter-surveillance techniques, and other means to avoid detection and apprehension by law enforcement authorities and otherwise to provide security to the members of the conspiracy;

All in violation of Title 21, United States Code, Section 846 and Title 18, United States Code, Section 2.

COUNT TWO

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about February 27, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 28.9 grams of mixtures and substances containing cocaine base in the form of crack cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THREE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 16, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
MARLON KING,

defendants herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 61.1 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT FOUR

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 16, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

DESHAWN SEALS,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, approximately 61.1 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FIVE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about July 30, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 123 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SIX

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about July 30, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

STEPHEN DYER,
aka "LIL VO,"

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, approximately 123 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT SEVEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 4, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 128.8 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT EIGHT

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 4, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

PHILLIP FARMER,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, approximately 128.8 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT NINE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 10, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 999.5 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT TEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 10, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

EDDIE BANKS,

defendant herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, approximately 999.5 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT ELEVEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about April 1, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

RAFAEL HARDY,
aka "BLACK," and
JUBRIL OGUNDIPE,
aka "MOBY,"

defendants herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 62 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1) and Title 18, United States Code, Section 2.

COUNT TWELVE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 12, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

RAFAEL HARDY,
aka "BLACK,"

defendant herein, did knowingly and intentionally distribute a controlled substance, namely, approximately 118.2 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT THIRTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 12, 2004, at Chicago, in the Northern District of Illinois, Eastern Division,

DARRYL FRANKLIN,
aka "COOTA,"

defendants herein, did knowingly and intentionally possess with intent to distribute a controlled substance, namely, approximately 118.2 grams of mixtures and substances containing cocaine, a Schedule II Narcotic Drug Controlled Substance;

In violation of Title 21, United States Code, Section 841(a)(1).

COUNT FOURTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 16, 2004, at approximately 6:41 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
RAMON CEBALLOS,
aka "TROUBLE,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT FIFTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 19, 2004, at approximately 3:43 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
RAMON CEBALLOS,
aka "TROUBLE,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT SIXTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 11, 2004, at approximately 7:38 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
MARLON KING,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT SEVENTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 14, 2004, at approximately 3:51 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
MARLON KING,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT EIGHTEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 16, 2004, at approximately 8:01 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
DESHAWN SEALS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 841(a)(1), namely, distributing and possessing with intent to distribute controlled substances, as charged in Counts Three and Four of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT NINETEEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 16, 2004, at approximately 8:51 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
DESHAWN SEALS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 841(a)(1), namely, distributing and possessing with intent to distribute controlled substances, as charged in Counts Three and Four of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 21, 2004, at approximately 9:07 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
AFRIKA SMITH,
aka "BIG,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-ONE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 22, 2004, at approximately 12:22 am, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
AFRIKA SMITH,
aka "BIG,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-TWO

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about July 24, 2004, at approximately 9:17 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
STEPHEN DYER,
aka "LIL VO,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-THREE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about July 28, 2004, at approximately 3:36 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
STEPHEN DYER,
aka "LIL VO,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-FOUR

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 18, 2004, at approximately 2:53 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ALVIN KEYS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-FIVE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 23, 2004, at approximately 8:21 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ALVIN KEYS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-SIX

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 24, 2004, at approximately 10:29 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ERNEST MCCARTER,
aka "ZEKE,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-SEVEN

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 6, 2004, at approximately 3:59 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ERNEST MCCARTER,
aka "ZEKE,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-EIGHT

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 3, 2004, at approximately 4:37 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ANTHONY CURRY,
aka "BIG ANT,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT TWENTY-NINE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 6, 2004, at approximately 3:09 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
ANTHONY CURRY,
aka "BIG ANT,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 6, 2004, at approximately 2:54 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
EDDIE BANKS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-ONE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 7, 2004, at approximately 1:22 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
EDDIE BANKS,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-TWO

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about May 19, 2004, at approximately 9:27 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
PHILLIP FARMER,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-THREE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about August 2, 2004, at approximately 8:33 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE," and
PHILLIP FARMER,

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-FOUR

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 1, 2004, at approximately 5:05 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

RAFAEL HARDY,
aka "BLACK," and
JUBRIL OGUNDIPE,
aka "MOBY,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-FIVE

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 10, 2004, at approximately 4:49 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

RAFAEL HARDY,
aka "BLACK," and
DARRYL FRANKLIN,
aka "COOTA,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

COUNT THIRTY-SIX

The SPECIAL SEPTEMBER 2005 GRAND JURY further charges:

On or about June 13, 2004, at approximately 2:39 pm, at Chicago, in the Northern District of Illinois, Eastern Division, and elsewhere,

RAFAEL HARDY,
aka "BLACK," and
DARRYL FRANKLIN,
aka "COOTA,"

defendants herein, knowingly and intentionally used and caused to be used a communication facility, namely, a telephone, in committing and in causing and facilitating the commission of a felony violation of Title 21, United States Code, Section 846, namely, conspiring to distribute and possess with intent to distribute controlled substances, as charged in Count One of this Indictment;

In violation of Title 21, United States Code, Section 843(b).

FORFEITURE ALLEGATION

The SPECIAL SEPTEMBER 2005 GRAND JURY further alleges:

1. The allegations of Counts One through Counts Thirty-Six of this Indictment are realleged and incorporated herein by reference for the purpose of alleging that certain property is subject to forfeiture to the United States, pursuant to the provisions of Title 21, United States Code, Section 853.

2. As a result of their violations of Title 21, United States Code, Sections 841 and 846, as alleged in the foregoing Indictment,

CLARENCE WHALUM,
aka "LIL C," aka "LITTLE CLARENCE,"
RAMON CEBALLOS,
aka "TROUBLE,"
MARLON KING,
AFRIKA SMITH,
aka "BIG,"
STEPHEN DYER,
aka "LIL VO,"
ALVIN KEYS,
ERNEST MCCARTER,
aka "ZEKE,"
ANTHONY CURRY,
aka "BIG ANT,"
EDDIE BANKS,
PHILLIP FARMER,
DESHAWN SEALS,
RAFAEL HARDY,
aka "BLACK,"
JUBRIL OGUNDIPE,
aka "MOBY," and
DARRYL FRANKLIN,
aka "COOTA,"

defendants herein, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853(a)(1) and (2): (1) any and all property constituting or derived from, any proceeds they obtained,

directly or indirectly, as a result of the violations; and (2) any and all of property used, or intended to be used, in any manner or part, to commit or facilitate the commission of the violations.

3. The interests of the defendants, jointly and severally, subject to forfeiture to the United States pursuant to Title 21, United States Code, Section 853, include, but are not limited to:

- a. \$1 million in United States Currency, representing the estimated proceeds of the narcotics distribution organization;
- b. 2005 Chrysler 300C Hemi VIN 2C3JA63H75H1110492 seized on July 19, 2005 from Clarence Whalum;
- c. 2002 Dodge Ram Laramie SLT Pickup truck VIN 1D7HU18NX2J206250 seized on July 19, 2005 from Clarence Whalum;

4. If any of the property described above as being subject to forfeiture pursuant to Title 21, United States Code, Section 853(a), as a result of any act or omission of the defendants:

- a. cannot be located upon the exercise of due diligence;
- b. has been transferred to, sold to, or deposited with a third person;
- c. has been placed beyond the jurisdiction of the Court;
- d. has been substantially diminished in value;
- e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States to seek forfeiture of substitute property belonging to defendants under the provisions of Title 21, United States Code, Section 853(p).

All pursuant to Title 21, United States Code, Section 853.

A TRUE BILL:


FOREPERSON


UNITED STATES ATTORNEY

No.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

CLARENCE WHALON, aka "LIL C," aka
"LITTLE CLARENCE,"
RAMON CEBALLOS, aka "TROUBLE,"
MARLON KING,
AFRIKA SMITH, aka "BIG,"
STEPHEN DYER, aka "LIL VO,"
ALVIN KEYS,
ERNEST MCCARTER, aka "ZEKE,"
ANTHONY CUREY, aka "BIG AMT,"
EDDIE BANKS,
PHILLIP FARMER,
DESHAWN SPALS,
RAFAEL HARDY, aka "BLACK,"
JERRE OGUNDIPE, aka "MOBY," and
DARRYL FRANKLIN, aka "COOTA"

I N D I C T M E N T

Violations: Title 21, United States Code, Sections 846, 841(a)(1),
and 843(b); Title 18, United States Code, Section 2

A true bill,

Anne M. Murray

Foreman

Filed in open court this 12th day of October
A.D. 192005

MICHAEL W. DOBENIS

by, Yolanda Begen, Deputy Clerk Clerk

Date, \$